

OFFICE OF THE SECRETARY OF STATE
TOBIAS READ
SECRETARY OF STATE

MICHAEL KAPLAN
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 416
OREGON YOUTH AUTHORITY

FILED
04/08/2026 9:15 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Clarifies roles during an adjudicated youth's preliminary parole revocation process, timelines, and documentation requirements.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 05/22/2026 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

CONTACT: Winifred Skinner
971-304-4793
winifred.skinner@oya.oregon.gov

530 Center Street NE; Ste. 500
Salem, OR 97301

Filed By:
Winifred Skinner
Rules Coordinator

NEED FOR THE RULE(S)

OYA needs to clarify adjudicated youth preliminary parole revocation process timelines, roles, and documentation requirements.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

None

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

It is currently unknown whether adoption of the rule will affect racial equity in Oregon. OYA has started monitoring parole revocation rates by race and will address any racial disparities should they emerge.

FISCAL AND ECONOMIC IMPACT:

None

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

Oregon Youth Authority, juvenile departments, youth on OYA parole and their families may be affected by the rule amendment. The proposed changes do not appear to have additional costs of compliance.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in the rule amendment as they are not affected by the rule.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 416-300-0050

RULE SUMMARY: Amendments clarify roles of juvenile directors/designees, preliminary parole revocation hearing officers, and JPPOs during the preliminary parole revocation process. Allows youth additional opportunity to file a petition for reconsideration of the preliminary hearing officer's report within 30 days after being returned to a youth correction facility. Clarifies reasonable time to prepare for hearing. Requires written documentation of notifications.

CHANGES TO RULE:

416-300-0050

Preliminary Parole Revocation Hearing ¶

(1) The preliminary parole revocation hearing must be conducted by a hearing officer who is a person designated by the ~~OYA director~~ juvenile department director or designee to conduct a preliminary parole revocation hearing for a paroled adjudicated youth. The officer must be someone other than the person bringing allegations against the adjudicated youth that may result in the adjudicated youth's parole revocation.¶

(2) Notice of preliminary parole revocation hearing.¶

(a) Before a preliminary hearing is conducted, ~~the preliminary hearing officer~~ a Juvenile Parole/Probation Officer (JPPO) or other OYA representative must ensure that ~~written~~ notice of the hearing is provided to the adjudicated youth and the adjudicated youth's parent, guardian, or other person who has legal custody of the adjudicated youth under the terms of the adjudicated youth's parole. The notification must be documented in writing.¶

(b) The notice will include the following information:¶

(A) The time and place of the preliminary parole revocation hearing;¶

(B) A statement that the hearing is conducted under authority of ~~ORS 420A.11.045(23)~~ and OAR 416-300-0050;¶

(C) That the purpose of the preliminary hearing is to determine whether probable cause exists to believe parole has been violated and, if so, whether parole should be revoked or whether intermediate sanctions are appropriate;¶

(D) The adjudicated youth's right to a preliminary hearing;¶

(E) A concise statement of each alleged parole violation or other reason for revocation, and relevant supporting evidence;¶

(F) The names of persons who have given information on the alleged violation, and the adjudicated youth's right to have these persons present at the preliminary hearing to confront and cross-examine them, unless the hearing officer determines that an informant or witness would be subjected to risk of harm if the informant's or witness's identity is disclosed. If names of persons are omitted from the notice, each omitted person will be listed as "Name Withheld";¶

(G) The adjudicated youth's right to admit or deny the allegations and to present letters, documents, affidavits or persons with relevant information at the preliminary hearing in support of the adjudicated youth's defense or contentions; and¶

(H) The adjudicated youth's right to be represented by an attorney at the adjudicated youth's own expense.¶

(3) Prior to the preliminary hearing, ~~the hearing officer will~~ a JPPO must ensure that the adjudicated youth:¶

(a) Is provided copies of all documentary evidence that will be used against the adjudicated youth; and¶

(b) Has reasonable time to prepare for the preliminary hearing, as determined by OYA based on the circumstances of the case.¶

(4) Conducting the preliminary hearing.¶

(a) The preliminary hearing will be held at a place determined to be in the best interests of the adjudicated youth, taking into account the location of evidence, travel conditions, security, and the adjudicated youth's welfare.¶

(b) The preliminary hearing must be held promptly at a time convenient to the adjudicated youth and the hearing officer.¶

(c) The adjudicated youth must be given opportunity to appear and speak on the adjudicated youth's behalf, to admit or deny the allegations, and to present any relevant evidence.¶

(d) The adjudicated youth is allowed a reasonable opportunity to fully present the adjudicated youth's case.¶

(e) The adjudicated youth's attorney, if any, may cross-examine witnesses, unless the hearing officer determines

that it is necessary to deny cross-examination to preserve the anonymity of the witness.¶

(5) Results of the preliminary hearing.¶

(a) The hearing officer will make a written summary of what occurred at the hearing, including the substance of the documentary and testimonial evidence given in support of a parole revocation or intermediate sanction and of the adjudicated youth's response and presentation.¶

(b) Based upon the information presented at the hearing, the hearing officer will determine whether probable cause exists to believe that the adjudicated youth violated condition(s) of parole. If the hearing officer determines that probable cause exists that the adjudicated youth violated condition(s) of parole, the hearing officer may:¶

(A) Recommend that the superintendent revoke parole; or¶

(B) In agreement with the adjudicated youth's JPPO, impose an intermediate sanction other than revocation of parole.¶

(c) In addition to any time spent in detention or jail, the adjudicated youth may be held in detention or jail up to eight calendar days as an intermediate sanction in lieu of parole revocation based on agreement between the appropriate juvenile department authority and the OYA Community Services assistant director, or designee. The decision will be based on the local detention facility's policy guidelines, good casework practice, and available funds to support the stay.¶

(d) The hearing officer must notify the adjudicated youth and the superintendent, or designee, of the determination. The notice may first be made orally, but the determination must be documented in a written findings report.¶

(6) Adjudicated youth's right to waive formal parole revocation hearing.¶

~~Following~~ A formal parole revocation hearing will follow the preliminary hearing, unless the adjudicated youth is entitled ~~chooses to waive the right to a~~ formal parole revocation hearing ~~but may choose to waive the right to the hearing.~~ Before OYA accepts such waiver, the following conditions must be met:¶

(a) The adjudicated youth must be given written notification of the adjudicated youth's rights, including the right to speak with an attorney at the adjudicated youth's expense before making a decision about a waiver.¶

(b) OYA staff are prohibited from influencing the adjudicated youth's decision to waive the right to a formal parole revocation hearing.¶

(c) Any time after a waiver has been made, the superintendent, or designee, may review the waiver and cause a formal parole revocation hearing to be held, if the superintendent, or designee, believes such hearing is in the best interest of the adjudicated youth.¶

(7) Reconsideration¶

(a) Notwithstanding the adjudicated youth's waiver of a formal parole revocation hearing, the adjudicated youth may file a petition for reconsideration of the preliminary hearing officer's report with the superintendent within 30 days of receiving the report or being returned to a youth correction facility, whichever is later.¶

(b) The superintendent, or designee, may grant or deny the petition for reconsideration of the preliminary hearing findings. If the superintendent, or designee, finds sufficient reason to justify reconsideration, the reconsideration will result in a formal parole revocation hearing.¶

(c) After reviewing the hearing officer's report, the superintendent, or designee, may order a formal parole revocation hearing, regardless of whether the adjudicated youth has waived the right to a formal parole revocation hearing.

Statutory/Other Authority: ORS 420A.025, ORS 420A.120

Statutes/Other Implemented: ORS 419C.481, ORS 420.045, ORS 420A.115, ORS 420A.120